Remarks/Arguments:

Claims 33-58 are pending and rejected in the application. Claims 33, 42 and 51 have been amended. No new matter has been added.

On page 2, the Official Action rejects claims 33-58 under 35 U.S.C. §102(a) as being anticipated by Yonezawa (JP 2003-244251). It is respectfully submitted, however, that the claims are patentable over the art of record for at least the reasons set forth below.

Applicants' invention, as recited by claim 42, includes features which are neither disclosed nor suggested by the art of record, namely:

> **... a sustain data demand receiving unit for receiving a demand for sustain data transmitted from the data processing apparatus in order to sustain the tunnel communication between the data processing apparatus and the other data processing apparatus ...**

Claim 42 relates to an access apparatus that receives a demand for sustained data. Specifically, the <u>demand for the sustained data is transmitted from a data processing apparatus</u> in order to sustain tunnel communication between the data processing apparatus and another data processing apparatus. Support for this feature can be at least found on page 9 of Applicants' specification and furthermore in Figs. 2, 21, 22 and 23. No new matter has been added.

Yonezawa suggests a system for setting up tunnel communication between a device and a server. Specifically, as shown in Fig. 1, tunnel client 11 sends a request to tunnel broker 12 requesting tunnel communication to server 13 (tunnel client 11 wants to communicate with tunnel server 13). This feature is at least supported in paragraphs 11, 12 and 35 of Yonezawa ("*returns the result which receives the tunnel reconstruction demand from the tunnel request device 11 which ... reconstructing the tunnel of a tunnel connection destination according to the information from the tunnel information controlling device 12 ... tunnel request device 11 transmits user authentication information to the tunnel information controlling device 12 in order to receive the user authentication of the tunnel information controlling device 12*"). Thus, the request sent by tunnel client 11 to tunnel broker 12 is a request for tunnel

reconstruction between client 11 and server 13 (Yonezawas' tunnel reconstruction demand is for reconstructing tunnel communication between the client and server). Thus, tunnel broker 12 reconstructs the tunnel so that client 11 and server 13 may communicate (client 11 does not receive sustain data from server 13 in response to a demand for sustain data).

Applicants' claim 42 is different than Yonezawa because an access apparatus receives a demand for sustain data transmitted from the data processing apparatus for sustaining tunnel communication between the data processing apparatus and another data processing apparatus ("... *a sustain data demand receiving unit for receiving a demand for sustain data transmitted from the data processing apparatus in order to sustain the tunnel communication between the data processing apparatus and the other data processing apparatus ...*"). As shown in Applicants' Fig. 2, the data processing apparatus has a sustain data demanding unit 15. Thus, a demand for sustain data is transmitted from the data processing apparatus to the demand receiving unit 71 of the access apparatus shown in Fig. 22 (processing apparatus 1 sends a demand for sustain to access apparatus 7). In Fig. 21, the demand for the sustain data is transmitted from data processing apparatus 1 to access apparatus 7 because apparatus 1 wants to communicate with another communication apparatus 2. Once the data processing apparatus 1 receives the sustain data, data processing apparatus 1 can sustain tunnel communication with data processing apparatus 2 (sustain data gives apparatus 1 permission to sustain tunnel communication with data processing apparatus 2). This feature is at least supported on page 9 of Applicants' specification ("*sustained data receiving unit 13 is provided for receiving a sustain data via the communication unit 11 from the tunnel managing apparatus 4. The sustain data is a data of sustaining the tunnel communication. The sustain data indicates whether the tunnel communication is sustained or not. The tunnel communication controlling unit 14 is responsive to the sustained data received at the sustain data receiving unit 13 for controlling the tunnel communicating action of the tunnel communication unit 12. For example, when the sustain indicates that the tunnel communication is not sustain, the tunnel communication controlling unit 14 directs the tunnel communication unit 12 to cancel the tunnel communication. The tunnel communication controlling unit 14 also carriers out process for setting up the tunnel communication. The set up of the tunnel communication means to conduct*
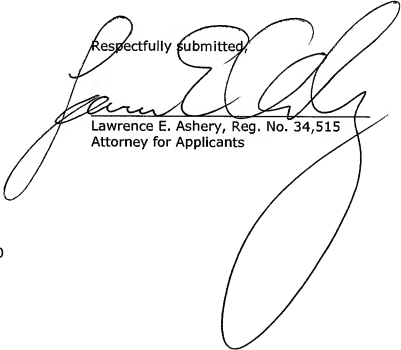
the tunnel communication ... more particularly, the tunnel managing apparatus 4
upon receiving a demand from the sustained data demanding unit 15 supplies the
sustained data demanding unit 15 with a sustained data").   Accordingly, for the
reasons set forth above, claim 42 is patentable over the art of record.

Claims 33 and 51 have similar features to claim 42. Thus, claims 33 and 51
are also patentable over the art of record for at least the reasons set forth above.

Dependent claims 34-41, 43-50 and 52-58 include all of the features of the
claims from which they depend. Thus, these claims are also patentable over the art
of record for at least the reasons set forth above.

In view of the amendments and arguments set forth above, the above-
identified application is in condition for allowance which action is respectfully
requested.

Respectfully submitted,

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